

REMARKS

Status of the Application

Claims 1-8 and 10-23 are the claims that have been examined in the application. Claims 1-8 and 10-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobori (US Patent 6,327,554) in view of Oda et al. (US Publication 2002/0180348).

By this Amendment, Applicant is amending claim 4. Applicant respectfully requests that the amendment be entered and considered, as the amendment does not make a substantive change to the claim which requires a new search and consideration by the Examiner.

Drawings

Applicant thanks the Examiner for withdrawing the objection to the drawings and indicating that the drawings filed June 15, 2007 are accepted.

Claim Rejections - 35 U.S.C. § 103

Claims 1-8 and 10-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobori (US Patent 6,327,554) in view of Oda et al. (US Publication 2002/0180348).

Claim 1 recites, in part, “wherein a minimum light-emission value is equal to or less than 50% of a maximum light-emission value when white light is emitted from said light-emitting portion.”

The Examiner continues to allege that Kobori discloses this aspect of claim 1. Specifically, the Examiner states that Kobori discloses “changes in the thickness of films forming an organic EL device, which changes in the spectra and luminance of light emitted out

of the device ... [t]herefore, optimum light-emission value is desirable and the general teachings of Kobori ... provide guidance as to reconstruct/modify the thickness of films to form a highly effective EL device.” See page 3 of the Office Action. Further, in the Response to Arguments, the Examiner alleges that Kobori discloses the noted aspect of claim 1. In clarifying the Examiner’s conclusion, the Examiner alleges that Kobori discloses that “various thicknesses of films forming an organic EL device was tested and results of its spectra and luminance of light emitted out of the device is taught by Kobori. Also, Figures 12-21 is evidence showing the effectiveness of spectral luminance based on the wavelengths and the thickness.” See page 11 of the instant Office Action. Finally, the Examiner alleges “[f]igures 12-21 may be partial representations of the overall emissions, the overall effective ... light emissions is desirable addressing the concern that Kobori had with an organic EL device.” See page 12 of the instant Office Action. The Examiner thus states that “it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify possible optimum value of the device, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617, F.2d 272, 205 USPQ 215 (CCPA 1980).” See pages 4 and 12 of the instant Office Action.

However, the Examiner has not yet noted a correlation between the minimum light-emission value and the spectra and luminance disclosed in FIGS. 12-21. Rather, the Examiner alleges that FIG. 12-21 show the effectiveness of spectral luminance based on the wavelengths and the thickness. However, while FIGS. 12-21 show emission spectrums at different ITO film thicknesses, the Examiner still provides no indication (or support) of how these emission spectrums relate an emission value comparable to a maximum emission value when white light is

emitted. Therefore the Examiner has not provided a *prima facie* case of obviousness with regard to claim 1. Currently, as there is no correlation, express or inherent, the citations of FIGS. 12-21 are irrelevant to the claims.

Further, the citation given by the Examiner in support of the obviousness rejection does not support the Examiner's rejection. The Examiner's reliance on *In re Boesch* indicates that the Examiner is alleging that the minimum light-emission value recited in claim 1 is an optimum value. However, the Examiner has not provided support indicating that the recited minimum light-emission value is an *optimum value* of a result effective variable. Rather, the recited minimum light-emission value is nothing more than that, a *minimum value*. The Examiner has provided no support for the contention that the recited minimum value is an *optimal value*. Thus, Applicant submits that the Examiner has failed to provide a *prima facie* case of obviousness, as the motivation based on *In re Boesch* is insufficient without further support.

Therefore, claim 1 is patentable over the applied art. Claims 2-8 and 10-23 are patentable at least by virtue of their dependency from claim 1.

Additionally, the maximum light-emission value as recited in claim 1 corresponds to a peak portion of the light-emission spectrum and the minimum light-emission value corresponds to a valley portion of the light-emission spectrum in proximity to the peak portion. Therefore, Figs. 12-21 of Kabori fails to include the concept of the minimum light-emission value (valley) as recited in claim 1, and as a matter of course, fail to include the concept of the minimum light-emission value being equal to or less than 50% of the maximum light-emission value when white light is emitted from the light-emitting portion.

The "maximum light-emission value" and the "minimum light-emission value" are not simple maximum value and minimum value as may be construed by the Examiner, but the values at the peak portion and the valley portion near the peak portion. Figs. 12-21 of Kobori do not include the concept of peak (maximum light-emission value) and valley (minimum light emission value).

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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